

CHAPTER X. SECTION 1030

AN ORDINANCE PROHIBITING LITTERING IN THE CITY OF LANESBORO AND PROHIBITING THE POSSESSION AND USE OF GLASS CONTAINERS ON PUBLIC WATERS IN THE CITY OF LANESBORO

The Lanesboro City Council does ordain:

1.1 Purpose and Intent

The purpose and intent of this ordinance is to protect the public health, safety, environment, and general welfare, through the regulation and prevention of litter and the carrying or depositing of glass containers on public waters in the City of Lanesboro. The objectives of this ordinance are:

1. Provide for uniform prohibition throughout the City of Lanesboro of any and all littering on public or private property; and prohibiting the carrying and possession of glass beverage containers or glass receptacles on that portion of the Root River in the City of Lanesboro.
2. Prevent the desecration of the beauty and quality of life of the City of Lanesboro and the Root River, preventing harm to public health, safety, environment, and general welfare including the degradation of water and aquatic resources caused by litter and the depositing of glass and broken glass in the Root River.

1.2 Applicability.

This ordinance shall apply to all public and private property within the City of Lanesboro, including that portion of Root River within the City limits of the City of Lanesboro.

1.3 Compatibility with Other Regulations

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law, to the extent any such is more restrictive or onerous than this ordinance.

1.4 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 2. Definitions

"Litter" means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, debris, metal, plastic and glass containers, broken glass, or intentionally or unintentionally discarded materials of every kind and description.

"Public or Private Property." Means the right-of-way of any road or highway; any body of water or watercourse or shores or beaches thereof; any park, playground, building, refuge or conservation recreation area; timberlands or forest, and residential, commercial, industrial or farm

properties.

Section 3. Prohibition against Littering on Public or Private Property or Public Waters

It shall be unlawful for any person or persons to dump, deposit, throw, leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this City of Lanesboro, or any public waters in this City of Lanesboro unless:

- (1). The property is designated by the state or any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2). The litter is placed in a receptacle or container installed on such property; or,
- (3). The person is the owner or tenant in lawful possession of such property, has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 4. Violations, Enforcement and Penalties

4.1 Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in the manner provided by law.

4.2 Evidence

- (1). Whenever litter is shown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.
- (2). Except as provided in (1), whenever any litter which is dumped, deposited, thrown or left on public or private property, in violation of this ordinance is discovered to contain any article or articles, including but not limited to litters, bills, publications or other writing which display the name of the person thereon in such manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

4.3 Penalties

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows

- (1). By a fine of not less than \$300.
- (2). In addition to the fine set out in (1) above, the violator shall reimburse the City of Lanesboro for the reasonable cost of removing the litter when the litter is ordered removed by the City of Lanesboro; and
- (3). (A) In the sound discretion of the court, the person may be directed to pick up and

remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter her or she has deposited, and any and all that are deposited thereon by anyone else prior to the date of execution of sentence; or

(B) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he or she has placed litter. Pickup and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence.

4.4 Enforcement

All enforcement agencies, officers and officials of the State of Minnesota, or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of the State or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this ordinance.

This ordinance becomes effective from and after its passage and publication.

Passed by the City Council on July 1st, 2013.

Dated: July 1st, 2013

Steve Rahn
Steve Rahn, Mayor

Attest: [Signature]
David Todd, City Clerk/Administrator